



Health/Nutrition

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State Policies Related to Student Health and Nutrition

May 2005

Overview

Student health and nutrition have become significant issues in education policy deliberations. According to the [Youth Risk Behavior Surveillance Survey](#) conducted by the Centers for Disease Control, approximately 45% of students grades 9-12 are not engaged in sufficient physical activity or are not engaged in physical activity at all (2003). Attendance in physical education classes five days per week has also dropped from 41% in 1991 to 28% in 2003 (*ibid.*). With this in mind, many state politicians and education officials have begun discussions around solutions of this decline in health of school-age youth. The consensus: set school standards for physical activity.

The CDC also reports that 60% of youth eat too much fat, and less than 20% eat the recommended servings of fruits and vegetables ([Chronic Disease Prevention](#) 2003). Therefore, many states have begun developing nutrition standards to ensure that students are eating right and developing habits that will foster healthy living in the future. Governors Mike Huckabee (AR), Kathleen Babineauz Blanco (LA) and Bill Richardson (NM) specifically addressed nutrition in their 2005 state of the state addresses, which reflects the level of attention state leaders are paying to this issue.

The table below explores the various policy solutions that many states have employed. To preface, the information gathered comes from state statutory

law; administrative rules and regulations were intentionally excluded. Also, due to the particular focus on physical activity and nutrition improvement, comprehensive school health centers and non-school programs dealing with health and fitness statewide were also excluded. Many states have joined in on the discussions of student health and fitness; however, recently proposed legislation was excluded unless it had been signed into law.

In summary:

- 15 states have created committees or task forces centered around school nutrition and fitness improvement
- 4 states have statutory nutritional standards for school meal programs beyond federal regulations
- 9 states have restrictions on the sale of competitive foods in schools
- 9 states allow for the employment of a physical activity coordinator or nutrition specialist
- 11 states have mandated physical activity time requirements
- 12 states have reporting systems on nutrition or health programs
- 6 states have a reward or incentive program in regards to health related programs

State Statutory Laws Related to Student Health and Nutrition

| | State has created a task force or committee to improve nutrition and/or fitness in schools | State has set nutritional standards for school meals beyond federal regulations | State law restricts the sale of competitive foods | State allows schools to employ a physical activity coordinator and/or a nutrition specialist | State mandates physical activity requirements (# min/# days) | State requires reporting on health/nutrition program | State provides incentives/rewards for health related programs |
|-----------------|---|---|---|--|---|--|---|
| Alabama | Not in statute | Not in statute | Not in statute | Not in statute | Time requirement not in statute School must offer physical education (ALA. CODE § 16-40-1) | Not in statute | Not in statute |
| Alaska | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute |
| Arizona | Yes Mandatory physical education implementation task force H.B. 2111 (2005) | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute |
| Arkansas | Yes Kids for Health Program (ARK. CODE ANN. 6-16-1001) Each school may also convene a local committee (ARK. CODE ANN. | Not in statute | Yes Prohibits vending machines in elementary schools (ARK. CODE ANN. § 20-7-135) | Yes Districts and schools must employ a community coordinator to oversee implementation of program (ARK. CODE | Yes Grades K-8 must participate in 1hr/week of physical activity (ARK. CODE ANN. § 6-16-132) | Yes Report on competitive food sales and also BMI of students by age along with health effects of various BMIs (ARK. CODE | Not in statute |

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| | 20-7-135) | | | ANN. § 20-7-135) | | ANN. § 20-7-135) | |
| California | Yes Child Nutrition and Physical Activity Advisory Committee (CAL. EDUC. CODE § 49433) Child Nutrition Advisory Council (CAL. EDUC. CODE § 49533) | Yes Specifies the types of food that may be sold in schools (CAL. EDUC. CODE § 49431.5) | Yes Does not allow the renewal of contracts with competitive food providers unless a public hearing is held (CAL. EDUC. CODE § 35182.5) | Yes Requires that there be one physical education specialist per two elementary schools (CAL. EDUC. CODE § 52750) | Yes Requires physical activity for 200min/10 school days (CAL. EDUC. CODE § 51210.1) | Yes Report on amount of physical education offered per school (CAL. EDUC. CODE § 33352) School must post nutrition and physical activity laws for public review (CAL. EDUC. CODE § 49432) | Yes Encourages the development of a financial incentive plan to encourage involvement in state pilot program (CAL. EDUC. CODE § 49435) |
| Colorado | Not in statute | Yes School districts must develop nutrition standards and must also provide healthy choices such as fresh produce (COLO. REV. | Yes Requires the increase of nutritional options in school vending machines (COLO. REV. STAT. § 22-32-134) | Not in statute | Time requirement not in statute School districts must provide education encouraging physical activity (COLO. REV. STAT § 22-32-136) | Yes School districts must provide nutritional information for all food offered on school property (COLO. REV. STAT. § 22-32- | Not in statute |

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|-----------------------------|--|---|---|--|--|--|---|
| | | STAT. § 22-32-136) | | | | 136) | |
| Connecticut | Not in statute | Standards not in statute Regulates nutrition of school meals to what is established by local boards (CONN. GEN. STAT. § 169-10-215D) | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute |
| Delaware | Not in statute | Standards not in statute But education around proper nutrition is required for grades K-12 (DEL. CODE ANN. TIT. 14, § 122) | Not in statute | Not in statute | Time requirement not in statute Requires health and wellness education for grades K-12 (DEL. CODE ANN. TIT. 14, § 122.15) | Not in statute | Not in statute |
| District of Columbia | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute |
| Florida | Not in statute | Standards not in statute State requests that school districts develop | Not in statute | Not in statute | Yes 30min/day, 3 days/week for grade K-5 (FLA. STAT. CH. | Yes Schools must adopt a physical education program and | Yes Requires the development of a recognition program for physically |

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| | | a food program that is consistent with the nutritional needs of the students (FLA. STAT. CH. 48.1006.06) | | | 48.1003.455) Districts will partner with Dept. of Health and develop a plan that would provide students with 60 min/day of physical activity (FLA. STAT. CH. 29.381.0054) | report the expected outcomes to Department of Education (FLA. STAT. CH. 48.1003.455) | active/fit schools (FLA. STAT. CH. 29.381.0054) |
| Georgia | Not in statute | Standards not in statute State board may develop nutritional standards that meet or exceed federal standards (GA. CODE ANN. § 20-2-66) | Not in statute | Not in statute | Time requirement not in statute Schools must offer physical education (GA. CODE ANN. § 20-2-142) | Not in statute | Not in statute |
| Hawaii | Not in statute | Not in statute | Not in statute | Not in statute | Time requirement not in statute State may support programs encouraging physical fitness | Not in statute | Not in statute |

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| | | | | | (HAW. REV. STAT. § 226-21) | | |
| Idaho | Not in statute | Not in statute | Not in statute | Not in statute | Time requirement not in statute Does require instruction in health and fitness (IDAHO CODE § 33.1605) | Not in statute | Not in statute |
| Illinois | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute State board may stipulate a specific amount of time to be devoted to health education (105 ILL. COMP. STAT. 110/4) | Yes Dept. of Health must collect data relating to obesity for incoming students (105 ILL. COMP. STAT. 5/27-8.1) | Not in statute |
| Indiana | Not in statute | Not in statute | Not in statute | Yes Establishes a health and physical education consultant position with Department of Education. (IND. CODE § | Time requirement not in statute Requires education in health and physical fitness (IND CODE § 20-10.5-4-5) | Not in statute | Not in statute |

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| | | | | 20-1-1.1-7) | | | |
| Iowa | Not in statute | Yes School lunches must be nutritionally adequate in compliance with state regulations (IOWA CODE § 7.6.283A.2) | Not in statute | Not in statute | Time requirement not in statute Schools must offer physical education (IOWA CODE § 256.11) | Not in statute | Not in statute |
| Kansas | Not in statute | Standards not in statute State board must develop nutrition standards (SB 154) | Restrictions not in statute State board must pay special attention to offering healthy foods and beverages in schools (SB 154) | Not in statute | Time requirement not in statute State board must make recommendations on physical activity standards (SB 154) | Not in statute | Not in statute |
| Kentucky | Not in statute | Not in statute | Yes Competitive foods cannot be sold from beginning of school until 30 minutes after lunch (KY. REV. | Yes Allows for a nutrition specialist (KY. REV. STAT. ANN. § 156.160) | Yes 30 min/day, or 150 min/week (KY. REV. STAT. ANN. § 156.160) | Not in statute | Not in statute |

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| | | | STAT. ANN § 156.160) | | | | |
| Louisiana | Not in statute | Standards not in statute State Board of Education may conduct studies regarding methods of improving and expanding school meal programs (LA. REV. STAT. ANN. § 17:197) | Yes/Pilot Only in pilot program schools. (LA. REV. STAT. ANN. § 17:17.3) | Not in statute | Yes 30 min/day of physical activity for grades K-6 (LA. REV. STAT. ANN. § 17:17.2) | Yes Reports on progress made to school board, with information made available to parents (LA. REV. STAT. ANN. § 17:17.2) | Yes Allows for a monetary award for outstanding regional schools (LA. REV. STAT. ANN. § 17:17.3) |
| Maine | Not in statute | Not in statute | Not in statute | Not in statute | Time requirement not in statute Schools must offer physical education (ME. REV. STAT. ANN. TIT. 20-A, § 4721) | Not in statute Commissioner of Education may asses nutritional value of school meals and report results to the state board (ME. REV. STAT. ANN. TIT. 20-A, § 6602) | Not in statute |
| Maryland | Not in statute | Not in statute | Not in statute | Not in statute | Time requirement not in statute | Not in statute | Not in statute |

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| | | | | | Schools must offer physical education. (MD. CODE ANN. EDUC. § 7-409) | | |
| Massachusetts | Not in statute | Standards not in statute State board is to establish minimum nutrition standards for school food programs (MASS. GEN. LAWS CH. 69 § 1C) | Not in statute | Not in statute | Time requirement not in statute Schools must offer physical education (MASS. GEN. LAWS CH. 71 § 3) | Not in statute | Not in statute |
| Michigan | Not in statute | Standards not in statute Nutrition in schools is mentioned under the Critical Health Problems Education Act as needing improvement (MICH.COMP. LAWS § 388.382) | Not in statute | Not in statute | Time requirement not in statute Schools must offer physical education (MICH. COMP. LAWS § 380.1502) | Not in statute | Not in statute |

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| Minnesota | Not in statute | Not in statute | Not in statute | Not in statute | Time requirement not in statute Schools must offer physical education (MINN. STAT. § 120B.021) | Reporting system established by statute Department of Health may develop a reporting system on nutrition (MINN. STAT. § 144.092) | Not in statute |
| Mississippi | Not in statute | Not in statute | Not in statute | Yes Allows for a Physical Activity Coordinator (MISS. CODE ANN. § 37-13-134) | Yes 30min/day for grades K-6; and 2hrs/week for grades 7-9 (MISS. CODE ANN. § 37-13-134) | Not in statute | Not in statute |
| Missouri | Not in statute | Not in statute | Not in statute | Yes Allows for a Physical Education Supervisor (MO. REV. STAT. § 168.171) | Time requirement not in statute Schools must offer physical education (MO. REV. STAT. § 162.102) | Not in statute | Not in statute |

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| Montana | Not in statute | Not in statute | Not in statute | Yes Supervisor of Physical Education may be employed by Superintendent of Public Instruction (MONT. CODE ANN. § 20-3-103) | Not in statute | Not in statute | Not in statute |
| Nebraska | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute |
| Nevada | Not in statute | Standards not in statute State board may conduct studies of methods to improve programs of nutrition and nutrition education (NEV. REV. STAT. § 387.100) | Not in statute | Not in statute | Time requirement not in statute Schools must offer physical education (NEV. REV. STAT. § 389.018) | Not in statute | Not in statute |
| New Hampshire | Yes Health Education Review | Standards not in statute Model policy shall | Not in statute | Not in statute | Time requirement not in statute Model policy | Not in statute | Not in statute |

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| | Committee (N.H. REV. STAT. ANN. § 186:671) | be developed around nutrition education standards (N.H. REV. STAT. ANN. § 189:11A) | | | must address physical activity requirements (N.H. REV. STAT. ANN. § 189:11A) | | |
| New Jersey | Not in statute | Standards not in statute School meals must follow nutritional standards set by state board (N.J. STAT. ANN § 18A:33-4) | Not in statute | Not in statute | Not in statute | Not in statute | Yes Minority Health Program may provide grants to school districts who are developing programs that focus on good nutrition and healthy lifestyles (N.J. STAT. ANN. § 26:2-162) |
| New Mexico | Not in statute | Standards not in statute | Not in statute Public education department must establish standards for food sold outside of the school meal program (HB 61) | Not in statute | Time requirement not in statute Schools must offer physical education (N.M. STAT. ANN. § 22-13-1.1) | Not in statute | Not in statute |
| New York | Yes | Standards not in statute | Restriction not in statute | Not in statute | Time requirement not in statute | Yes | Not in statute |

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| | School Nutrition Advisory Committee (N.Y. EDUC. LAW § 918) | Standards on review by Advisory Committee (N.Y. EDUC. LAW § 918) | Advisory Committee is to review vending machine sales and develop recommendations accordingly (N.Y. EDUC. LAWS § 918) | | Childhood Obesity Prevention Program is to develop physical activity programs to be based in schools and in communities at large. (N.Y. PUB. HEALTH LAWS § 261) | Existence and findings of Advisory Committee must be made known to parents so as to increase awareness (N.Y. EDUC. LAWS § 918) | |
| North Carolina | Yes Commission for Health Services Responsible for overseeing the implementation of the school nutrition program (N.C. GEN. STAT. § 130A-29) | Standards not in statute Department of Education may administer the implementation of a nutrition program (N.C. GEN. STAT. § 130A-361) | Yes Soft drinks may not be sold at elementary schools nor during the lunch hour in high schools (N.C. GEN. STAT. § 115C-264) | Yes Schools may offer dietary counseling and treatment (N.C. GEN. STAT. S 130A-361) | Time requirement not in statute Schools must offer physical education (N.C. GEN. STAT. § 115C-81) | Not in statute | Not in statute |
| North Dakota | Not in statute | Standards not in statute Superintendent of | Not in statute | Not in statute | Time requirement not in statute Schools must | Yes Findings of studies | Not in statute |

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| | | Public Instruction may study methods to improve and promote nutrition in schools (N.D. CENT. CODE § 15.1-35-06) | | | offer physical education (N.D. CENT. CODE § 15.1-21-01) | conducted by Superintendent of Public Schools will be reported to the Governor (N.D. CENT. CODE § 15.1-35-06) | |
| Ohio | Not in statute | Standards not in statute Nutrition education shall be offered that explains the benefits of natural and organic foods. (OHIO REV. CODE ANN. § 3313.60) | Not in statute | Not in statute | Time requirement not in statute Congress is instructed to review current standards for physical education and health. (OHIO REV. CODE ANN. § 3301.0718) | Yes Congress must hold public hearing before voting on standards. (OHIO REV. CODE ANN. § 3301.0718) | Not in statute |
| Oklahoma | Yes. Healthy Fit Kids Advisory Committee (OKLA. STAT. TIT. 24 § 100A) | Yes Schools must not serve foods of minimal nutritional value and must ensure that healthy foods are made | Yes Standards will be developed by Advisory Committee (OKLA. STAT. TIT. 24, § 100-A) | Not in statute | Yes 60 min/week for grades K-5, and 150 min/week for grades 7-12. (OKLA. STAT. TIT. 70, §11-103) | Not in statute | Yes Schools must offer incentives such as lower prices for healthful foods (OKLA. STAT. TIT. 70, § 5-147) |

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| | | available (OKLA. STAT. TIT. 70, § 5-147) | High schools must be sure that healthy foods are offered to students (OKLA. STAT. TIT. 70, § 5-147) | | | | |
| Oregon | Not in statute | Not in statute | Not in statute | Not in statute | Time requirement not in statute Schools must offer physical education (OR. REV. STAT. § 329.025) | Not in statute | Not in statute |
| Pennsylvania | Yes Advisory Health Council Responsible for studying the health needs of schools (PA. STAT. ANN. TIT. 24, § 14-1422) | Standards not in statute Schools may enter partnerships with other organizations in order to study ways of improving nutritional benefits of school meals (PA. STAT. ANN. TIT. 24, § 13-1337) | Not in statute | Not in statute | Time requirement not in statute Schools must offer physical education (PA. STAT. ANN. TIT. 13, § 13-1327) | Not in statute | Not in statute |

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| Rhode Island | Not in statute | Standards not in statute Department of Elementary and Secondary Education is authorized to study and review current nutritional standards of school meals and make recommendations for improvement (R.I. GEN LAWS § 16-8-12) | Not in statute | Not in statute | Yes 20 min/day for grades 1-12 (R.I. GEN. LAWS § 16-22-4) | Not in statute | Not in statute |
| South Carolina | Not in statute | Not in statute | Not in statute | Position not in statute Teachers must take a course in physical education instruction during the course of teacher training (S.C. CODE ANN. § 59-29- | Time requirement not in statute Schools must offer physical education (S.C. CODE ANN. § 59-29-80) | Not in statute | Not in statute |

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|---------------------|--|---|--|--|--|---|---|
| | | | | 90) | | | |
| South Dakota | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute |
| Tennessee | Yes Obesity Study and Prevention Fund (TENN. CODE ANN. § 6-1-2001) | Standards not in statute State board must develop minimum nutrition standards for school meals (TENN. CODE ANN. § 49-6-2307) 2005 Resolution urging department of health and department of education to develop and implement suitable programs to reduce obesity (H.J.R. 85) | Yes State board required to set minimum standards for items offered for sale in vending machines (TENN. CODE ANN. § 49-6-2307) | Not in statute | Not in statute | Not required, but districts authorized to implement body mass index; where carried out, results must be reported to department of health (and individual results reported to parents) (S.B. 247, 2005) | Not in statute |
| Texas | Yes Local Health Advisory Councils | Standards not in statute Nutrition services addressed | Not in statute | Position not in statute Requires training for | Yes Recommended amount of 30 min/day | Yes Department of Public Health is encouraged to | Not in statute |

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| | Responsible to make recommendations on health curriculum (TEX. EDUC. CODE ANN. § 28.002) | through Coordinated School Health Program (TEX. EDUC. CODE ANN. § 38.013) | | school personnel responsible for implementation of coordinated health program (TEX. EDUC. CODE ANN. § 38.013) | (TEX. EDUC. CODE ANN. § 28.002) | collect data around low-income youth who engage in risky health habits including lack of physical activity and poor nutrition (TEX. HEALTH & SAFETY CODE ANN. § 62.052) | |
| Utah | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute | Not in statute |
| Vermont | Yes Advisory Council on Wellness Assists with the coordination of school wellness programs (VT. STAT. ANN. TIT.16, § 216) | Standards not in statute Advisory Council will develop nutrition standards for school meals (VT. STAT. ANN. TIT. 16, § 216) | Restrictions not in statute Advisory Council will develop standards for snack foods available at school (VT. STAT. ANN. TIT. 16, § 216) | Yes Creates the position of Educational Consultant II to oversee implementation of policy (VT. STAT. ANN. TIT. 16, § 216) | Time requirement not in statute Fitness curricula will be developed by Advisory Council (VT. STAT. ANN. TIT. 16, § 216) | Yes Web site must be developed to display data from wellness survey for public review (VT. STAT. ANN. TIT. 16, § 216) Data collected by the Department of Health on height and weight of students grades | Yes Provides for grant program to implement wellness program (VT. STAT. ANN. TIT. 16, § 216) |

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| | | | | | | K-6 may also be reported (VT. STAT. ANN. TIT. 16, § 216) | |
| Virginia | Yes School Health Advisory Board (VA. CODE ANN. § 22.1-275.1) | Standards not in statute Schools are encouraged to incorporate parents in educating children around good nutrition (VA. CODE ANN. § 22.1.207.3) | Not in statute | Not in statute | Time requirement not in statute Schools must offer physical education (VA. CODE ANN. § 22.1-253.13:1) | Not in statute | Not in statute |
| Washington | Yes Advisory Committee on Nutrition and Physical Education (WASH. REV. CODE § 28A.210.360) | Standards not in statute Standards would be set by model policy (WASH. REV. CODE § 28A.210.360) | Not in statute Standards would be set by model policy. (WASH. REV. CODE § 28A.210.360) | Not in statute | Yes Model policy must include a requirement of 20 min/day of physical activity (WASH. REV. CODE § 28A.210.360) | Not in statute | Not in statute |
| West Virginia | Yes Healthy Lifestyles Office within Department of | Not in statute | Yes Restricts beverages in vending | Not in statute | Yes K-5: at least 30 minutes Grades 6-8: one | Yes Body mass index measures reported to the | Not in statute |

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| | Health and Human Resources (W. VA. CODE § 5-1E-5) | | machines (healthy only through junior high level; at high school, 50% must be healthy beverages) (W. VA. CODE § 18-2-6a) | | period each day for one semester Grades 9-12: one credit for graduation or alternate program (W. VA. CODE § 18-2-7a) | state department of education Health education required, and state board required to prescribe standardized health education assessment (W. VA. CODE § 18-2-7a) | |
| Wisconsin | Not in statute | Standards not in statute Schools do require instruction in good nutrition habits (WIS. STAT. § 118.01) | Not in statute | Not in statute | Time requirement not in statute Schools must offer physical education (WIS. STAT. § 118.01) | Not in statute | Not in statute |
| Wyoming | Yes Joint Committee on School Health (WYO. STAT. ANN. § 35-1-701) | Standards not in statute Superintendent must review school meal | Not in statute | Not in statute | Time requirement not in statute Schools must offer physical education | Not in statute | Not in statute |

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| | | programs to expand and evaluate their nutritional benefits to students (WYO. STAT. ANN. § 21-2-202) | | | (WYO. STAT. ANN. § 21-9-101) | | |
| Totals of statewide or pilot initiatives | 15 | 4 | 9 | 9 | 11 | 12 | 6 |

This StateNote was compiled by Jon-Michael Hanna, Spring 2005 Intern with the Education Commission of the States.

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